

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Plaintiff**v.****Elsa BARRERA MALDONADO****AKA: Gilda Romo SIGALA****AKA: Thelma ROSALES****AKA: Isabel YAMAUCHI**) **Magistrate Docket No.** _____) **COMPLAINT FOR**) **VIOLATION OF:**) **TITLE 18 U.S.C. § 1544**) **Misuse of Passport (Felony)****'08 MAR 21 09 21**CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

The undersigned complainant, being duly sworn, states:

Count 1

On or about March 18, 2008, within the Southern District of California, defendant Elsa BARRERA MALDONADO did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting US passport number 201002636 issued in the name Thelma ROSALES, to a Department of Homeland Security, Customs and Border Protection Officer at the San Ysidro Port of Entry, knowing full well that she was not Thelma ROSALES, that the passport was not issued or designed for her use, and that she is not a United States citizen entitled to a U.S. Passport; in violation of Title 18, United States Code, Section 1544.

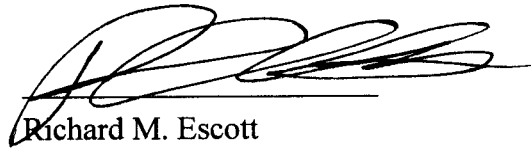
Count 2

On or about March 22, 2008, within the Southern District of California, defendant Elsa BARRERA MALDONADO did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting US passport number 038755981 issued in the name Isabel YAMAUCHI, to a Department of Homeland Security, Customs and Border Protection Officer at the Calexico Port of Entry, knowing full well that she was not Isabel YAMAUCHI, that the passport was not issued or designed for her use, and that she is not a United States citizen entitled to a U.S. Passport; in violation of Title 18, United States Code, Section 1544.

Count 3

On or about March 24, 2008, within the Southern District of California, defendant Elsa BARRERA MALDONADO did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting altered US passport number 510082483 issued in the name Gilda Romo SIGALA, to a Department of Homeland Security, Customs and Border Protection Officer at the San Ysidro Port of Entry, knowing full well that she was not Gilda Romo SIGALA, that the passport was not issued or designed for her use, and that she is not a United States citizen entitled to a U.S. Passport; in violation of Title 18, United States Code, Section 1544.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Richard M. Escott
Senior Special Agent
U.S. Department of State
Diplomatic Security Service

SWORN AND SUBSCRIBED TO before me

This 25th day of March 2008.

W. McLaughlin UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS

I, Richard Michael Escott, being duly sworn, declare under penalty of perjury that the following statement is true and correct:

1. I am a Senior Special Agent (SSA) with the U.S. Department of State, Diplomatic Security Service (DSS) assigned to the San Diego, CA Resident Office. I have been so employed for eight years and have investigated numerous violations involving the false application for and misuse of United States Passports and Visas.
2. During the performance of my duties, I have obtained evidence that Elsa BARRERA MALDONADO (DEFENDANT) used the passport issued and designed for the use of another on three occasions. This Affidavit is made in support of a complaint against DEFENDANT for violations of Title 18, U.S.C., Section 1544, Misuse of a Passport.
3. On 03/24/2008, at approximately 1500 hours, DEFENDANT presented herself to a Department of Homeland Security, Customs and Border Protection (CBP) Officer at the pedestrian lines of the San Ysidro Port of Entry, to apply for admission into the United States. DEFENDANT identified herself with altered U.S. Passport number 510082483 bearing the name Gilda Romo SIGALA, DPOB 03/09/1976, California, U.S.A., and a photograph that was not DEFENDANT. The DEFENDANT was escorted for secondary inspection.
4. On 03/24/2008, at approximately 1700 hours the Affiant was advised by a CPB Officer at the San Ysidro POE that DEFENDANT had been detained at the secondary inspection area of the San Ysidro POE. They advised that CBP records indicated that DEFENDANT had been detained on 03/18/2008 and 03/22/2008 for using other false passports.
5. Affiant conducted record checks of a U.S. State Department database and found that the passport that DEFENDANT used in the identity of Gilda Romo SIGALA (VICTIM 1) had been reported stolen. The actual passport number was 710082483 which had been altered to 510082483. On 03/24/2008, affiant spoke with VICTIM 1's son, who translated for her. VICTIM 1 stated that her vehicle had been burglarized in Tijuana and her passport had been stolen, along with other identification documents.
6. On 03/24/2008, affiant also recovered US Passport #201002636 used by DEFENDANT at the San Ysidro Port of Entry on 03/18/2008 in the identity of Thelma ROSALES (VICTIM 2). Record checks indicated that the passport had been reported stolen when VICTIM 2's vehicle was burglarized in Tijuana on August 31, 2007.
7. On 03/24/2008, affiant conducted record checks and determined that the passport used on 03/22/2008 at the Calexico Port of Entry was US Passport #038755981 in the identity of Isabel YAMAUCHI (VICTIM 3). Checks indicated that the passport had been reported lost/stolen.

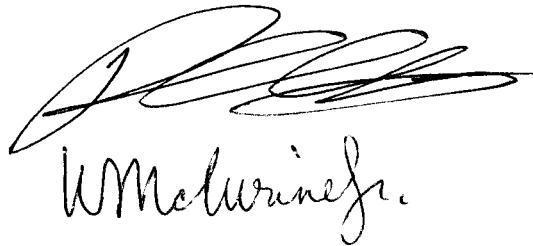
8. On 03/24/2008, at approximately 1850 hours, DEFENDANT was retrieved from the secondary inspection area and was brought to an interview room. The Affiant assisted by a CBP Officer, who also acted as translator, obtained consent from DEFENDANT to have her interview audio and video taped. DEFENDANT read her Miranda warning aloud in Spanish from a written copy. She indicated that she understood and waived her right to counsel. She admitted that her true name was Elsa Delma BARRERA MALDONADO, DPOB 12/29/1970, Jalapa, Veracruz, Mexico. She stated that she was a citizen of Mexico and not a citizen of the United States. DEFENDANT admitted that on or about 03/16/2008 she made arrangements with a smuggler to be met upon her arrival from Veracruz to Tijuana. DEFENDANT admitted that on or about 03/18/2008 she promised to pay a smuggler \$1,500 - \$2,500 for the U.S. Passport and to be smuggled to the Los Angeles area. The smuggler provided the DEFENDANT with U.S. Passport #201002636 in the identity of Thelma ROSALES, DOB 01/30/1963. She admitted that she subsequently used that passport to apply for entry into the United States at the San Ysidro Port of Entry on or about 03/18/2008. She admitted knowing that the passport was not issued or designed for her use and that it was a violation of US law to use a passport in the name of another. DEFENDANT stated that after being detained, she was removed to Mexico on 03/18/2008.

9. DEFENDANT further admitted that on or about 03/22/2008 she promised to pay the same smuggling organization \$1,500 - \$2,500 for the U.S. Passport and to be smuggled to the Los Angeles area. The smuggler provided the DEFENDANT with a U.S. Passport in the identity of Isabel YAMAUCHI. DEFENDANT also identified the photograph on the passport application for US Passport number 038755981, in the identity if Isabel YAMAUCHI, as the photograph on the passport that she was provided by the smuggler. She admitted that she subsequently used that passport to apply for entry into the United States at the Calexico Port of Entry on or about 03/22/2008. She admitted knowing that the passport was not issued or designed for her use and that it was a violation of US law to use a passport in the name of another. DEFENDANT stated that after being detained, she was removed to Mexico on 03/22/2008 and excluded for a period of 5 years. DEFENDANT admitted that she was warned that it was a violation of US law to return to the United States after having been removed, without permission from the United States Government.

10. DEFENDANT then admitted that on or about 03/24/2008 she promised to pay the same smuggler as on 03/18/2008, \$1,500 - \$2,500 for the U.S. Passport and to be smuggled to the Los Angeles area. The smuggler provided the DEFENDANT with a U.S. Passport in the identity of Gilda Romo SIGALA. She admitted that she subsequently used that passport to apply for entry into the United States at the San Ysidro Port of Entry on or about 03/24/2008. She admitted knowing that the passport was not issued or designed for her use and that it was a violation of US law to use a passport in the name of another. DEFENDANT admitted that she was knew it was a violation of US law to apply for entry to the United States after having been removed, without permission from the United States Government.

11. DEFENDANT made a recorded oral confession as to his true identity and to elements of the charges.

On the basis of the facts presented in this probable cause statement consisting of 3 pages, there is probable cause to believe that the defendant named in this probable cause statement committed the offenses on or about 03/18/2008- in violation of Title18, United States Code, Section 1544: Misuse of a passport - when she knowingly and willfully used the passports belonging to another, Thelma ROSALES, knowing that it was not issued or designed for her use, in order to gain admission into the United States; on or about 03/22/2008- in violation of Title18, United States Code, Section 1544: Misuse of a passport - when she knowingly and willfully used the passports belonging to another, Isabel YAMAUCHI, knowing that it was not issued or designed for her use, in order to gain admission into the United States; and on or about 03/24/2008- in violation of Title18, United States Code, Section 1544: Misuse of a passport - when she knowingly and willfully used the passports belonging to another, Gilda Romo SIGALA, knowing that it was not issued or designed for her use, in order to gain admission into the United States.



W. Melwaine Jr.